



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

MAR 17 2016

Via Certified Mail No.
Return Receipt Requested

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Melisa Cohen
SHEC Director, West Region
Sims Metal Management
600 South 4th Street
Richmond, CA 94804

Dear Ms. Cohen,

Thank you for meeting with EPA on March 8, 2016 at the Sims Redwood Harbor facility to discuss the remaining issues to be addressed in the draft Sediment Sampling and Analysis Plan (SSAP) and Quality Assurance Project Plan (QAPP) prepared by Sims Group USA Corporation (Sims) consultant, Terraphase Engineering, dated January 22, 2016, and hereafter referred to in combination as the "revised draft SSAP." Sims provided the revised draft SSAP in accordance with Section V, Paragraph 12, of the Consent Decree between USEPA and Sims, entered on December 1, 2014, (the Consent Decree) and in response to our meeting with you on December 14, 2015 in which we had discussed our October 8, 2015 written comments on the original draft SSAP, dated March 1, 2015.

In the March 8 meeting, we discussed which portions of the revised draft SSAP that EPA agrees with, and followed it with a more in-depth discussion about the remaining issues. The meeting concluded with us having reached verbal agreement on clarifications that need to be made before EPA can approve the final revised SSAP QAPP. This letter reiterates our agreements on the remaining issues discussed at our meeting.

SAMPLE LOCATIONS

Most importantly, in order to adequately characterize the marine sediment and determine the extent of contamination underneath and proximate to Sims's ship-loading Conveyor, it was emphasized and agreed upon during our March 8 meeting that after reviewing the results of the initial sampling data, collected and analyzed consistent with the EPA-approved SSAP, EPA may require that additional samples be taken and analyzed either from deeper sediments, or samples from locations further away from the initial sampling required in the SSAP, or both. Likewise, EPA may require additional background samples to be taken and analyzed from deeper in the sediment and/or from different locations from those in the initial sites approved in the SSAP.

SAMPLING METHODS

We agreed Sims will photograph and describe the entire core and all grab samples collected, prior to homogenizing or sub-sampling. The portion of sampled material not sent to the lab will be archived. Required sub-samples will be taken for analysis from the homogenized 6" core portions and homogenized grab samples. Any debris larger than 1/8" will be either sieved or manually removed, photographed and archived. The decision on use of the sieve will be made in the field with EPA present. EPA recognizes that field-sieving all samples may take considerable time and may not be useful if the sieved material will be removed at the laboratory anyway.

SPLIT SAMPLES

Sims will coordinate their sampling schedule under the SSAP QAPP with EPA to accommodate EPA for observation and possibly taking split sub-samples from Sims samples, or if requested providing splits to EPA of any sub-samples taken by Sims in accordance with Section X, Paragraphs 57 and 58 of the Consent Decree. Along with split sampling, Sims will assure that the laboratory performing the analyses is using the same analysis methods as EPA's laboratory, including the same extraction method.

COMPLETION OF SEDIMENT CHARACTERIZATION

EPA and Sims agreed the Consent Decree may need to be clarified to better define when the sediment characterization in accordance with the SSAP is complete. The Consent Decree requires completion in 120 days from EPA approval of the SSAP (Section V, Paragraph 12.h), but longer time may be needed if EPA determines that additional sampling and/or analyses are needed. We agree that the Consent Decree would not consider such an extension of time a material change, and if necessary, the Consent Decree would allow for both parties to enter into a written agreement to extend the deadline (Section XVI, Paragraph 75).

Thank you again for meeting with us to discuss the revised draft SSAP and for showing us the area around the conveyor where sample locations are proposed. If you agree with how we have articulated the agreed-to items listed above, please send us your confirmation by March 31, 2016. Otherwise send us your proposed clarifications for us to consider.

Should you have any comments or questions, please contact Juliet Hannafin at 415-972-3094 or hannafin.juliet@epa.gov, or Rich Campbell regarding legal questions at 415-972-3870. We look forward to approving Sims Final SSAP QAPP so that the sediment characterization can commence.

Sincerely,

A handwritten signature in black ink, appearing to read "Claire Trombadore".

Claire Trombadore, Assistant Director
Water and Pesticides Branch
Enforcement Division